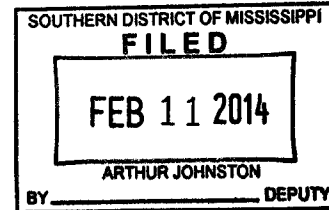


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION



JOSHUA PROPERTIES, LLC,
PERFORMANCE SPORTS ACADEMY, LLC, and
CHRIS SNOPEK

PLAINTIFFS

vs.

CIVIL ACTION NO. 3:14cv114 HTW-LRA

ST. DOMINIC HEALTH SERVICES, INC.,
D1 SPORTS HOLDINGS, LLC, and
JOHN DOES 1-10

DEFENDANTS

NOTICE OF REMOVAL

The remaining Defendants, St. Dominic Health Service, Inc. ("St. Dominic") and D1 Sports Holdings, LLC ("D1") (collectively, "Defendants") give notice of removal of this action from the Circuit Court of Hinds County, Mississippi, First Judicial District, to the United States District Court for the Southern District of Mississippi, Northern Division.¹ Removal jurisdiction is based on 28 U.S.C. § 1334(b), as this Court has jurisdiction over "all civil proceedings arising under title 11, or arising in or related to cases under title 11." In support of this Notice, Defendants will show unto the Court the following:

THE COURT HAS SUBJECT MATTER JURISDICTION UNDER 28 U.S.C. § 1334(b).

1. On November 8, 2011, Plaintiffs commenced a civil action in the Circuit Court of Hinds County, Mississippi, First Judicial District, against Defendants. Plaintiffs seek to recover damages arising out of an expired letter of intent between Plaintiffs and St. Dominic, as well as an alleged oral joint venture between Plaintiffs and St. Dominic. Following the dismissal of Plaintiffs' claims arising out of the expired letter of intent and all of Plaintiffs' claims sounding in negligence, on June 17, 2013, St. Dominic filed a counterclaim against Plaintiffs.

¹ By Order dated April 24, 2013, Plaintiffs' claims against Defendant D1 Sports Training of Mississippi, LLC were dismissed.

2. On January 23, 2014, Plaintiffs Chris Snopek (“Snopek”) and Performance Sports Academy, LLC (“PSA”) filed Petitions for voluntary bankruptcy under Chapter 7, Title 11 of the United States Code, in the United States Bankruptcy Court for the Southern District of Mississippi. A copy of Snopek’s Petition is attached as Exhibit A, and a copy of PSA’s Petition is attached as Exhibit B.

3. This Court has subject matter jurisdiction over the matters raised in the pending state court proceeding pursuant to 28 U.S.C. § 1334(b), which provides as follows:

Except as provided in subsection (e)(2), and notwithstanding any Act of Congress that confers exclusive jurisdiction on a court or courts other than the district courts, the district courts shall have original but not exclusive jurisdiction of all civil proceedings arising under title 11, or arising in or related to cases under title 11.

“Related to” jurisdiction attaches to a debtor’s state court proceeding if the outcome of that proceeding both (1) alters the rights, obligations, and choices of action of the debtor, and (2) has an effect on the administration of the bankruptcy estate.

4. In the state court proceeding, Plaintiffs seek to recover actual and punitive damages arising out of an alleged oral joint venture between Plaintiffs and St. Dominic. Additionally, in the state court proceeding, if the finder of fact concludes that an oral joint venture exists between Plaintiffs and St. Dominic, which St. Dominic denies, St. Dominic has asserted a counterclaim against Plaintiffs seeking to recover half of its investment in the alleged oral joint venture for land costs, annual assessments on the land, development costs, site preparation costs, construction costs and operating expenses which presently exceed several million dollars. Thus, the state court proceeding is “related to” Snopek’s and PSA’s bankruptcy because any judgment in connection with the state court proceeding necessarily will impact the bankruptcy estate.

5. Thus, the commencement of Snopek's and PSA's bankruptcy proceedings makes the state court proceeding properly removable pursuant to 28 U.S.C. § 1452(a), which provides, in relevant part, as follows: "A party may remove any claim or cause of action in a civil action . . . to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under section 1334 of this title."

DEFENDANTS HAVE MET THE PROCEDURAL REQUIREMENTS FOR REMOVAL

6. This Notice is timely pursuant to 28 U.S.C. § 1446(b) in that it is being filed within 30 days of the date that Plaintiffs Snopek and PSA filed Petitions for voluntary bankruptcy under Chapter 7, Title 11 of the United States Code, and thus receipt by Defendants of notice that this action is removable.

7. The Circuit Court of Hinds County, Mississippi, First Judicial District, is located within the Southern District of Mississippi, Northern Division.

8. Pursuant to 28 U.S.C. § 1446(a), a certified copy of the State Court Record is attached to this Notice and should be electronically filed with the United States District Court for the Southern District of Mississippi, Northern Division.

9. Pursuant to 28 U.S.C. § 1446(d), Plaintiffs, through their Counsel, are being served with a copy of this Notice. Defendants further certify that a copy of this Notice is being filed with the Circuit Court of Hinds County, Mississippi, First Judicial District. Finally, a copy of this Notice is being served on Counsel for the Chapter 7 Trustee.

CONCLUSION

For the foregoing reasons, the Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1334(b), and this action is properly removed to this Court pursuant to 28 U.S.C. §§ 1452(a) and 1446.

This the 16th day of February, 2014.

Respectfully submitted,

ST. DOMINIC HEALTH SERVICES, INC.

By: 

One of Its Attorneys

OF COUNSEL:

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Respectfully submitted,

D1 SPORTS HOLDINGS, LLC

By: 

One of Its Attorneys

OF COUNSEL:

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CERTIFICATE OF SERVICE

I, Joseph Anthony Sclafani, counsel of record for Defendant St. Dominic Health Services, Inc., do hereby certify that I have this day caused to be mailed by United States mail, postage prepaid, a true and correct copy of the above and foregoing Notice of Removal to the following:

Dennis C. Sweet, III, Esq.
Terris C. Harris, Esq.
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Jackson, MS 39215-1178

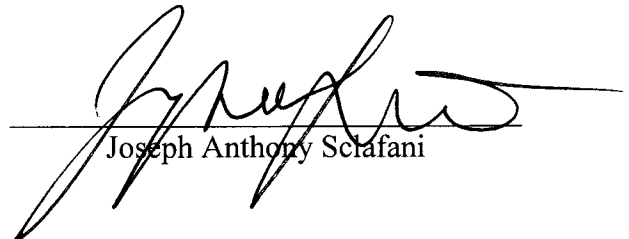
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Counsel for Chapter 7 Trustee
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This the 11th day of February, 2014.


Joseph Anthony Sclafani